

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

CLARENCE RAYMOND LOCKLEY,

Plaintiff-Appellant,

v.

No. 00-6393

ROBERT ORN, Correctional Officer;

G. JETT, Mail Room Clerk; GEORGE

M. HINKLE, Warden,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Virginia, at Norfolk.
Rebecca B. Smith, District Judge.
(CA-99-1355-2)

Submitted: May 11, 2000

Decided: May 23, 2000

Before MURNAGHAN, LUTTIG, and TRAXLER, Circuit Judges.

Dismissed in part and affirmed in part by unpublished per curiam
opinion.

COUNSEL

Clarence Raymond Lockley, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

Clarence Raymond Lockley appeals from the district court's orders dismissing without prejudice his complaint alleging civil rights violations under 42 U.S.C.A. § 1983 (West Supp. 1999) and denying his motion for a hearing and for reconsideration. The court dismissed Lockley's complaint based on his failure to comply with its prior order directing him to submit proof that he had exhausted his administrative remedies. In his unsworn motion for a hearing and for reconsideration, Lockley claimed that he did comply with the court's order by delivering the required information to prison officials for mailing. In denying the motion for reconsideration and for a hearing, the district court found that proof of exhaustion had not been received by the court.

Because Lockley may proceed with this action by amending his complaint to provide the information requested by the court, his appeal of the order of dismissal is interlocutory and not subject to appellate review. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). We therefore dismiss that aspect of his appeal.

We have reviewed the court's order denying Lockley's motion for a hearing and for reconsideration and find no reversible error and no abuse of discretion. We therefore affirm that order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED IN PART; AFFIRMED IN PART